



Western Sahara

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The sovereignty of the Western Sahara remains the subject of a dispute between the Government of Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region. The Moroccan Government sent troops and settlers into the northern two-thirds of the Western Sahara after Spain withdrew from the area in 1975, and extended its administration over the southern province of Oued Ed-Dahab after Mauritania renounced its claim in 1979. The Moroccan Government has undertaken a sizable economic development program in the Western Sahara as part of its long-term efforts to strengthen Moroccan claims to the territory, although incomes and standards of living are substantially below Moroccan levels. The population of the territory is an estimated 400,000.

Since 1973 the Polisario has challenged the claims of Spain, Mauritania, and Morocco to the territory. Moroccan and Polisario forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a U.N. peacekeeping contingent, known by its French initials, MINURSO.

In 1975 the International Court of Justice issued an advisory opinion on the status of the Western Sahara. The Court held that while some of the region's tribes had historical ties to Morocco, the ties were insufficient to establish "any tie of territorial sovereignty" between the Western Sahara and the Kingdom of Morocco. The Court added that it had not found "legal ties" that might affect the applicable U.N. General Assembly resolution regarding the decolonization of the territory, and, in particular, the principle of self-determination for its people. Most Sahrawis (as the majority of persons living in the territory are called) live in the area controlled by Morocco, but there is a sizable refugee population near the border with Morocco in Algeria, and, to a lesser extent, in Mauritania. The majority of the Sahrawi population lives within the area delineated by a Moroccan-constructed berm, which encloses most of the territory.

Efforts by the Organization of African Unity (OAU) to resolve the sovereignty question collapsed in 1984 when the OAU recognized the Saharan Arab Democratic Republic, the civilian arm of the Polisario. Morocco withdrew from the OAU in protest.

In 1988 Morocco and the Polisario accepted the U.N. plan for a referendum that would allow the Sahrawis to decide between integration with Morocco or independence for the territory. The referendum was scheduled for January 1992, but was postponed because the parties were unable to agree on a common list of eligible voters—despite both parties previous acceptance of an updated version of the Spanish census of 1974 as the base for voter eligibility. A complicated formula for determining voter eligibility ultimately was devised and, in August 1994, MINURSO personnel began to hold identification sessions for voter applicants.

The initial U.N. voter identification effort ended in December 1995 and, after several fruitless efforts to persuade the two parties to cooperate, the U.N. Security Council formally suspended the identification process in 1996. The United Nations and friendly governments continued to urge the two parties to seek a political solution to the conflict. In March 1997, U.N. Secretary General Kofi Annan appointed former U.S. Secretary of State James Baker as his personal envoy to examine possible approaches for a peaceful settlement. Baker visited the region, and negotiations between the Moroccan Government and the Polisario began in May 1997. In September 1997, representatives of Morocco and the Polisario met in Houston in the United States and consented to a series of compromise agreements on the 1991 U.N. settlement plan to hold a referendum under U.N. auspices. According to the Houston Accords, the identification of potential voters, the referendum campaign, and the vote were to take place by December 1998; however, operational considerations have continued to delay the scheduled referendum, and there is no longer a projected referendum date. The Secretary General issued a report in June that urged the parties to engage with Baker to seek a negotiated political settlement.

In August 1998, MINURSO completed identification of voters in all uncontested tribal groupings. In November 1998, the Secretary General visited the region to examine ways to achieve compromise on several contested elements of the settlement plan in order to move the referendum process forward. After his consultations, the Secretary General proposed a series of measures in December 1998 to both parties. The measures proposed were aimed at establishing procedures among the parties to allow MINURSO to begin the identification process of three "contested tribes." After agreement between the parties was reached regarding the contested tribes, MINURSO began the process of identifying an additional 65,000 potential voters. The identification process of the three contested tribes was completed in December 1999. Only 4 percent of the applicants in this phase of the identification process were deemed eligible to vote in the referendum. Roughly those who were deemed ineligible to vote after the first round of the identification process also have registered 80,000 appeals. Approximately 50,000 additional appeals were filed after the completion of the identification process for the 3 "contested tribes," bringing the total number of appeals to nearly 130,000. MINURSO has not yet begun to adjudicate appeals from the identification process, due to continuing differences between the parties over who should be eligible to appeal, on what grounds, and by what process.

As the end of MINURSO's mandate drew near in February 2000, the Secretary General urged a review of the situation. Annan requested Baker to consult the parties to explore ways to achieve an "early, durable and peaceful" settlement to their dispute. Baker visited Algeria, Morocco, and the Western Sahara in April 2000 to consult with all of the interested parties. Baker sought to reconcile differences over the U.N. Settlement Plan or find other approaches that might resolve the dispute. He returned without a consensus and described the process as unchanged since 1997 and 1998. At the invitation of Annan, the Government of Morocco and the Polisario met in London in May 2000 and again in June 2000 in an attempt to resolve the parties' longstanding differences over the settlement plan and to explore other avenues to resolve their dispute over the territory; however, little progress was made. In June 2000, Baker called on the parties to meet again, emphasizing that consideration should be given to finding a solution that reached a compromise between full independence for the territory and its full integration with Morocco. A technical meeting of the parties that was held in Geneva in July 2000 to discuss the appeals process, confidence-building measures in the territory, and the fate of Moroccan prisoners of war (POW's) still held by the Polisario (more than 1,400 at year's end) also failed to produce any breakthroughs. The Secretary General made clear in several reports to the Security Council in 2000 that disputes between the parties over various issues in the Settlement Plan likely would delay the holding of the referendum for the foreseeable future. In August Baker met with representatives of the Polisario to discuss a "third way" compromise, which would entail Western Saharan autonomy within the Kingdom of Morocco. The Polisario firmly rejected such a compromise. In November the United Nations extended MINURSO's mandate to February 2002. Also in November, Baker met with Algerian President Abdelaziz Bouteflika, but no further progress on the territory was made.

Since 1977 the Saharan provinces of Laayoune, Smara, and Boujdour have participated in local elections that are organized and controlled by the Moroccan Government. The southern province of Oued Ed-Dahab has participated in Moroccan-controlled elections since 1983. Sahrawis whose political views are aligned with the Moroccan Government fill all the seats allotted to the Western Sahara in the Moroccan Parliament.

The civilian population living in the Western Sahara under Moroccan administration is subject to Moroccan law. U.N. observers and foreign human rights groups maintain that Sahrawis have difficulty obtaining Moroccan passports, that the Government monitors the political views of Sahrawis more closely than those of Moroccan citizens, and that the police and paramilitary authorities react especially harshly against those suspected of supporting independence and the Polisario. The Moroccan Government limits access to the territory, and international human rights organizations and impartial journalists sometimes have experienced difficulty in securing admission.

After years of denying that Sahrawis were imprisoned in Morocco for Polisario-related military or political activity, the Government of Morocco released more than 300 such prisoners in 1991. Entire families, and Sahrawis who had disappeared in the mid-1970's, were among those released. The Government of Morocco has failed to conduct a public inquiry or to explain how and why those released spent up to 16 years of incommunicado detention without charge or trial. The former Sahrawi detainees have formed an informal association whose principal objective is to seek redress and compensation from the Government of Morocco for their detention. A delegation of this association continued to meet with various government officials, human rights organizations, members of the press, and diplomatic representatives in both Rabat and in Laayoune during the year. They reported that little progress has been made in gaining the Moroccan Government's recognition of their grievances. However, in July 2000, the Government, through the Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), began distributing preliminary compensation payments to Sahrawis who had disappeared or been detained in the past, and their family members. The Government announced that it intended such initial payments to be provisional funds for Sahrawis with urgent medical or financial needs who had appealed for compensation by December 31, 1999, and that more compensation could be distributed pending the results of the Commission's review of petitions by Sahrawi claimants. However, numerous cases remain pending. Despite reforms such as decreasing the number of seats on the CCDH for governmental ministries, while increasing them for economic, cultural, and social organizations, and

changing the voting process to require only a two-thirds majority rather than unanimity, many still view the process as flawed administratively and favoring the Government. The principal criticisms of the process are that it lacks transparency, that the CCDH lacks independence, and that the appeals procedures are inadequate.

On May 3 in Laayoune, the Democratic Confederation of Labor (CDT) issued a statement claiming that security forces violently disrupted a sit-in by unemployed university graduates outside the Employment Department headquarters. Five demonstrators reportedly were injured and several CDT members arrested. The statement called for the release of those arrested; they received a royal pardon in November.

In mid-October a sit-in by Sahrawi women protesting economic conditions and demanding additional assistance from the Moroccan Government, began near the city hall in Smarna. On November 17, police intervened to end the ongoing sit-in. Some Sahrawi youths reportedly joined the women and threw stones at police. The police reacted by beating dozens of protestors and arresting 17. On December 21, six of those arrested received sentences ranging from 12 to 18 months in prison. The Polisario later claimed that many other persons were detained during follow-up sweeps after November 17. The Polisario also claims that 131 of those arrested were holding a hunger strike in Laayoune Prison at year's end.

In December 1999, Moroccan security forces that reportedly were dispatched from Rabat detained one Sahrawi in the Western Saharan city of Laayoune and two Sahrawis in the southern Moroccan cities of Tan-Tan and Agadir. The Government alleged that the three were spies for the Polisario. They reportedly were held for 8 days before their appearance in an Agadir court and before their families were informed of their detention. Family members and the Moroccan Association for Human Rights (AMDH) claimed that the arrests were a violation of human rights and due process, and proof that forced disappearances still occur in Morocco. A public trial was convened abruptly in May 2000, in Agadir's court of first instance, and the three Sahrawis were convicted of threatening the internal security of the State and sentenced to 3 to 4 years in prison. According to a lawyer who represented the Sahrawis, during the trial the three defendants denied any relations with the Polisario Front, contradicting government allegations that the three confessed during their post-arrest detention. During an appellate hearing in July 2000, at the request of the public prosecutor all three were given 4-year sentences. In September 2000, security forces in civilian dress detained a fourth Sahrawi at the Laayoune airport as he was about to board a flight to the Canary Islands. According to the Sahrawi's daughter, who witnessed the incident, two members of the security forces drove away with her father in a car with Casablanca license plates. Almost 10 days later, the Sahrawi reappeared in Agadir and was charged before the court of first instance for spying for the Polisario. Two days later, the fourth Sahrawi was sentenced to 4 years in prison for threatening the internal security of the State. All four received a royal pardon in November.

In April 2000, a Moroccan civil court in the Western Sahara city of Laayoune sentenced five Sahrawi youth to prison terms of between 5 and 10 years for the "formation of a criminal association" after their alleged participation in a March 2000 stone-throwing incident in Laayoune. Reliable sources said that the incident was spontaneous, unorganized, and lasted only 5 minutes.

The stone-throwing incident followed similar protests by Sahrawi students in several southern Moroccan and Western Sahara cities at the end of February and in early March 2000, which security forces brutally dispersed in violent clashes. The February and March demonstrations came in response to the December 1999 incarceration of three Sahrawis accused of spying for the Polisario. Attendees at the trial, human rights activists, and an attorney for the five defendants criticized the handling of the trial process, particularly the court's refusal to hear witnesses for the defense who allegedly could corroborate claims by at least two of the defendants that they were not present at the demonstrations. The court allegedly based its judgment on police reports and the testimony of two witnesses, one of whom reportedly could not identify positively the accused. An attorney for the youths also alleged that the judicial police investigating the affair committed several illegal acts by unlawfully entering homes of the accused and detaining them, torturing them during their detention, and forcing them under duress to sign police reports, which they were not allowed to read and which contained falsehoods. The decision was appealed before the court of appeals in Laayoune, which reportedly sent it to the Supreme Court in Rabat. A hearing on the appeal never was held, but all five youths received a royal pardon in November.

During the year, there were no new developments related to the investigation of police abuses committed in the Western Sahara city of Laayoune in September and October 1999, during which police authorities used force to break up demonstrations organized by students, unemployed graduates, miners, and former Sahrawi political prisoners, who were protesting a variety of social grievances. However, in November as part of his Green March speech, the King pardoned all of those arrested during the September 1999 protests and also pardoned Mohamed Daddach, whom the Polisario had sought to portray as a political prisoner. A total of 56 prisoners were released. There was no progress during the year on local elections to choose members to the proposed new Royal Advisory Council on the Western Sahara that the King had announced in October 1999.

A number of other Sahrawis remained imprisoned for peaceful protests supporting Saharan independence. Youths released in previous years reported that the Moroccan police continued to monitor them closely.

The Polisario claims that the Moroccan Government continues to hold several hundred Sahrawis as political prisoners and approximately 300 as POW's. However, the Government of Morocco formally denies that any Sahrawi former combatants remain in detention. Representatives of the International Committee of the Red Cross (ICRC) have stated that Morocco indeed has released all Polisario former combatants. A committee that represents former Sahrawi prisoners also believes that the Government of Morocco no longer holds any of those Sahrawis who were detained illegally during the 1970's and 1980's. The committee based this determination on interviews with family members of individuals who had been detained during that period.

The Government of Morocco claims that the Polisario detains 30,000 Sahrawi refugees against their will in camps around Tindouf, Algeria. The Polisario denies this charge. According to credible reports, the number of refugees in Tindouf far exceeds 30,000, but the allegation that they wish to leave remains unsubstantiated.

The U.N. settlement plan calls for the release of all POW's after the voter identification process is complete. The ICRC reported in May that the Polisario now holds 1,479 Moroccan POW's. A group of 185 POW's was repatriated to Morocco in a humanitarian airlift conducted under ICRC auspices in November 1995. In April 1997, Polisario leaders offered to release 85 Moroccan POW's as a good will gesture during U.N. envoy Baker's first meetings in Tindouf, but Morocco and the Polisario could not agree on the conditions of their release. In February 2000, the Polisario released 186 Moroccan POW's, many of whom had been in detention for more than 20 years. Another 201 were released to the ICRC and repatriated to Morocco in December 2000. The U.N. settlement plan calls for the release of all POW's after the voter identification process is complete. Foreign diplomats and representatives of international organizations continued to urge the Polisario throughout the year to release the remaining Moroccan POW's, and emphasized that their continued detention 10 years after the cessation of hostilities was a human rights violation. There also were credible reports that the Polisario authority used the POW's for forced labor. The Polisario leadership continues to refuse to comply with repeated requests that all of the POW's be released on humanitarian grounds, despite the fact that most of the POW's have been in detention for more than 20 years and that their health was deteriorating seriously due to the poor conditions under which they are held. An ICRC delegation, which included a medical doctor, an ophthalmologist, and a dentist, visited the Moroccan prisoners from May 11 to 25. The ICRC reported that the POW's health remained extremely poor.

There were no new cases of disappearance for the fifth consecutive year in that part of the Western Sahara under Moroccan administration. While the forced disappearance of individuals who opposed the Government of Morocco and its policies occurred over several decades, the Government in 1998 pledged to ensure that such policies do not recur, and to disclose as much information as possible on past cases. Many of those who disappeared were Sahrawis or Moroccans who challenged the Government's claim to the Western Sahara, or other government policies. Many of those who disappeared were held in secret detention camps. Although the Government released more than 300 such detainees in June 1991 and in October 1998 issued an announcement on those who had disappeared, hundreds of Sahrawi and Moroccan families still do not have any information regarding their missing relatives, many of whom disappeared over 20 years ago (see Section 2.b. of the Morocco report). In 2000 the Paris-based International Federation of Human Rights Leagues (FIDH) claimed that disappearances of Sahrawis in the Western Sahara could number up to 1,500, although conditions in the territory prevent confirmation of this figure.

Freedom of expression and freedom of peaceful assembly and association remain very restricted in the Western Sahara. According to Amnesty International, Moroccan authorities continue to deny the registration of the independent newspaper Sawt Al-Janoub.

Freedom of movement within the Western Sahara is limited in militarily sensitive areas, both within the area controlled by the Government of Morocco and the area controlled by the Polisario. Both Moroccan and Polisario security forces at times subject travelers to arbitrary questioning. There were no reports of prolonged detention during the year.

The Polisario reportedly restricts freedom of expression, peaceful assembly, association, and movement in its camps near Tindouf in southwestern Algeria.

There is little organized labor activity in the Western Sahara. The same labor laws that apply in Morocco are applied in the Moroccan-controlled areas of the Western Sahara. Moroccan unions are present in the Moroccan-controlled Western Sahara but are not active. The 15 percent of the territory outside Moroccan control do not have any major population centers or economic activity beyond nomadic herding. The Polisario-sponsored labor union, the Sario Federation of Labor, is not active in the Western Sahara.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members are employees of the Moroccan Government or state-owned organizations. They are paid 85 percent more than their counterparts outside the Western Sahara as an inducement to Moroccan citizens to live there. Workers in the Western Sahara were exempt from income and value-added taxes and received subsidies on such commodities as flour, oil, sugar, fuel, and utilities.

Moroccan law prohibits forced labor, and it does not appear to occur in the Western Sahara.

Regulations on the minimum age of employment are the same as in Morocco. Child labor appears to be less common than in Morocco, primarily because of the absence of industries most likely to employ children, such as rug-knotting and other traditional handicrafts. A government work program for adults, the Promotion Nationale, provides families with enough income to obviate the need for children to be hired out as domestic servants. Children in the few remaining nomadic groups presumably work as shepherds along with other group members.

The minimum wage and maximum hours of work are the same as in Morocco. However, in practice workers in some fish processing plants may work as many as 12 hours per day, 6 days per week, well beyond the 10-hour day, 48-hour week maximum stipulated in Moroccan law. Occupational health and safety standards are the same as those enforced in Morocco. They are rudimentary, except for a prohibition on the employment of women in dangerous occupations.